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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JASON DANO KOO HOAGLEN,

Defendant and Appellant.

A114393

**(Mendocino County
Super. Ct. No. SCUKRCR-06-
69990)**

Defendant Jason Dano Koo Hoaglen appeals his conviction by guilty plea to false imprisonment. (Pen. Code, § 236.)¹ He was sentenced to two years in state prison. Defendant's counsel advises this court that her examination of the record reveals no arguable issues. (*Anders v. California* (1967) 386 U.S. 738; *People v. Wende* (1979) 25 Cal.3d 436.) Counsel has advised her client in writing that a *Wende* brief was filed and that defendant had the right to file a supplemental brief in this case within 30 days. No such brief was filed. We agree that the record reveals no arguable issues and affirm.

¹ All undesignated section references are to the Penal Code.

Pursuant to defendant's plea bargain charges of assault with a deadly weapon or by means of force likely to produce great bodily injury (§ 245, subd. (a)(1)) and misdemeanor spousal battery (§ 243, subd. (e)(1)) were dismissed.

BACKGROUND

On February 20, 2006, defendant and his girlfriend (the victim) were involved in a heated argument inside a residence. At some point, defendant used “forced violence” to imprison the victim within the bedroom. The probation report noted that defendant was on probation in two separate cases: case number 05-65944 involving being under the influence of a controlled substance (Health & Saf. Code, § 11550, subd. (a)), and case number 05-67955 involving willful corporal injury on a spouse/cohabitant (Pen. Code, § 273.5, subd. (a)).

At the May 5, 2006 change of plea hearing, defendant was properly advised by the court of the nature and consequences of his guilty plea pursuant to his plea bargain. The court properly found a factual basis existed for the plea, defendant knowingly and intelligently waived his constitutional rights and the plea was voluntarily entered. The court also properly found that the current offense constituted violation of defendant’s probation in two different matters.

At sentencing, the court properly exercised its discretion in balancing aggravating and mitigating factors and denied defendant’s request for probation and imposed the two year midterm. The court properly terminated, as unsuccessful, probation in the other two cases and imposed concurrent terms on those cases. Defendant was properly ordered to pay a \$400 state restitution fine (§ 1202.4, subd. (b)), and a \$400 parole revocation fine to remain stayed until revocation of parole. (§ 1202.45.) Defendant was properly awarded 123 actual days credit and 60 days of local conduct credit. (§ 4019.)

DISPOSITION

There are no arguable issues. The judgment is affirmed.

SIMONS, J.

We concur.

JONES, P.J.

GEMELLO, J.